

CHAPTER NO. 802

HOUSE BILL NO. 2917

By Representatives Scroggs, Newton, Hargrove, Langster, McDonald, Davidson, Bone, Hood, Goins, Sharp, Godsey, Todd, McDaniel, Wood, David Davis, Hagood, Bunch, Black, Hassell, Beavers, Baird, Hargett, McCord, Odom, Buttry, Montgomery, Briley, McMillan, Maddox, Fitzhugh, Bittle, Arriola, Lewis and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 2511

By Senators Herron, Burks, Blackburn, Williams, Kurita

AN ACT to amend Tennessee Code Annotated, Title 40, relative to a victim's right to confer with the prosecution.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 38, is amended by adding the following as a new appropriately designated section:

40-38-____. (a) The prosecuting attorney shall confer with the victim prior to the final disposition of a criminal offense, including the views of the victim regarding a decision not to proceed with a criminal prosecution or a decision to dismiss a charge or to enter into plea or sentencing agreements, or the views regarding a decision to enter a pre-trial or other type diversion program.

(b) The prosecuting attorney shall confer with the victim before the commencement of a trial. Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed.

(c) The rights of the victim do not include the authority to direct the prosecution of the case.

(d) Failure of the prosecuting attorney to confer with the victim does not affect the validity of an agreement between the prosecutor and the defendant in the case, a pretrial diversion of the defendant, a dismissal of an indictment or complaint filed against the defendant, a plea entered by the defendant, or any other disposition in the case.

(e) Under this section, the victim has a duty to keep current information regarding such victim's location so the prosecuting attorney may be able to contact such victim. If the prosecuting attorney is unable to contact the victim, due to such victim's failure to keep current information regarding such victim's location, the prosecuting attorney may only confer with the victim if practical under the circumstances.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 15, 2000


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 23rd day of May 2000


DON CONQUIST, GOVERNOR